

Remarks:

A Notice of Appeal was filed in the Subject Application on January 23, 2007. An appeal brief was not submitted. The deadline for filing an appeal brief may be extended until today, February 25, 2008, through the filing of an appropriate Request for Extension under 37 C.F.R. § 1.136(a).

A request for a five-month extension of the deadline to file an appeal brief is being filed concurrently with this paper, thereby extending the deadline in the appeal until today. Along with this response and the extension and associated fee, Applicants are submitting a Request for Continued Examination (RCE) and the associated fee. As per 37 C.F.R., § 1215.01, the filing of an RCE and the appropriate fee along with a response to the last Official Action reopens prosecution of an application before the examiner:

Prior to a decision by the Board, if an applicant wishes to withdraw an application from appeal and to reopen prosecution of the application, applicant can file a request for continued examination (RCE) under 37 CFR 1.114, accompanied by a submission (*i.e.*, a reply responsive within the meaning of 37 CFR 1.111 to the last outstanding Office action) and the RCE fee set forth under 37 CFR 1.17(e).

As such, prosecution of the Subject Application has reopened, and Applicants request that the Examiner consider the present response.

As originally filed, the Subject Application included claims 1-100. In response to a restriction requirement, Applicants elected, without traverse, claims 1-67, 79-84, 93, 94, 99 and 100 for further prosecution in the Subject Application. Applicants also previously added claims 101-104 and cancelled claims 2, 20-37, 68-78, 85-92, and 95-98. Therefore, claims 1, 3-19, 38-67, 79-84, 93, 94, and 99-104 are currently pending.

In the Office Action, the Examiner objects to the meaning that Applicants attach to the phrase "low-alloy iron-containing" which Applicants added to several of the claims in Applicants' last Office Action response. In the present Response, Applicants delete the language "low-alloy iron-containing" from claim 1, and also have delete the language "a low-alloy" from claims 40, 51, and 103. The

language "iron-containing" has been retained in claims 40, 51, and 103, and Applicants respectfully submit that the present disclosure clearly contemplates and describes embodiments of the methods described in the Subject Application in which iron-containing metallurgical powders are used to produce iron-containing parts. For example, paragraph 0033 of the Subject Application as filed explains as follows:

Suitable powder metals for use in conjunction with the non-limiting embodiments disclosed herein include, but are not limited to, iron-base powder metals. As used herein, 'iron-base powder metals' means powder metals formed from or containing iron or iron alloys. ... In one non-limiting embodiment, the powder metal is an iron alloy powder having a sintered carbon level ranging from about 0.02 weight percent to about 0.6 weight percent. In another non-limiting embodiment, the powder metal is an iron alloy powder having a sintered carbon level ranging from about 0.02 weight percent to about 0.4 weight percent. In another non-limiting embodiment, the powder metal is an iron alloy powder having a sintered carbon level ranging from about 0.6 weight percent to about 0.4 weight percent.

As such, the language "iron-containing" is fully supported by the Subject Application as filed and is not new matter.

In the Office Action, the Examiner states that claims 101-104 are allowable over the prior art of record. Also, the Examiner objects to claims 18, 50, and 65 as being dependent upon a rejected base claim, but explains that those claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the present Response, Applicants amend claim 1 to include all of the elements and limitations recited in claims 17 and 18, thereby clearly rendering amended claim 1 allowable. Claims 17 and 18 are cancelled. Applicants also amend claim 40 herein to include all elements and limitations recited in claims 49 and 50, thereby clearly rendering amended claim 40 allowable. Claims 49 and 50 are cancelled. Further, Applicants amend claim 51 herein to include all elements and limitations

recited in claims 64 and 65, thereby clearly rendering claim 51 allowable. Claims 64 and 65 are cancelled. Each of pending dependent claims 3-16, 19, 41-48, and 52-63 directly or ultimately depend from one of claims 1, 40, and 51 and, therefore, it follows that each such dependent claim also is clearly allowable.

In addition to the claim amendments presented herein discussed above, Applicants also amend several of the pending claims in minor ways to better describe the claimed subject matter. Each such amendment is fully supported by the Subject Application as filed and does not constitute new matter.

Applicants respectfully submit that on entry of the claim amendments presented herein, all of the claims pending in the Subject Application are in condition for allowance.

Applicants' present response should not be taken as acquiescence to any of the specific rejections, assertions, statements, etc., presented in the Office Action that Applicants have not explicitly addressed herein. Applicants reserve the right to specifically address all such rejections, assertions, and statements in continuing applications and/or in subsequent responses.

Conclusion:

Applicants have made a diligent effort to fully respond to the Office Action in a way that clearly places all pending claims in condition for allowance. If the Examiner has any remaining concerns, the Examiner is invited to contact the undersigned at the telephone number set forth below so that such concerns may be expeditiously addressed. Accordingly, Applicants earnestly request reconsideration and allowance of all claims under examination.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mark R. Leslie", is written over a light gray rectangular background.

Mark R. Leslie, Esq.
Registration No. 36,360
Attorney for Applicant

Kirkpatrick & Lockhart Preston Gates Ellis LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222

Telephone: (412) 355-6271
Fax: (412) 355-6501